

ROSENBERG, FREEDMAN, & GOLDSTEIN, LLP
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Newtonville, Massachusetts 02460
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118.12

*** TRANSMITTAL MEMO ***

TO: ALDERMEN MITCH FISCHMAN, CHERYL LAPPIN, AND DAVID KALIS
CC: LINDA FINUCANE, OFFICE OF THE CLERK OF THE BOARD OF ALDERMEN
ZORI AND INBAL RABINOVITZ
FROM: JASON A. ROSENBERG
DATE: MAY 17, 2012
SUBJECT: APPLICATION FOR SPECIAL PERMIT 150 COUNTRYSIDE ROAD BY ZORI AND INBAL
RABINOVITZ

RECEIVED
Newton City Clerk
2012 MAY 22 PM 4:21
David A. Olson, CMC
Newton, MA 02459

ADDITIONAL MESSAGE:

Enclosed are two letters to neighbors – the first is to the 71 named who are not nearby on Countryside Road, and the second is to the 12 on Countryside near the property.

I highlighted in yellow the different language for those on Countryside near the property.

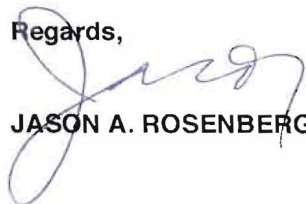
Also enclosed is a copy of the 3 sheets provided to each recipient.

Please note that there is a conservation commission hearing for this matter on May 24th and we have indicated to all recipients that between 6 and 7 PM, the architect and I will be available in Room 202 to show the plans for this matter. If you are able and so inclined, we would be delighted to see you!

Please feel free to call with any questions.

Regards,

JASON A. ROSENBERG



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ROSENBERG, FREEDMAN & GOLDSTEIN LLP
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Susan H. Levin
Ellen M. McVay
Hope C. Vassos
Faith D. Segal
Kristin W. Shirahama
Laurance S.L. Lee
Theresa B. Ramos
Jared M. Wood
David M. Bilodeau
Bradford Vezina

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David A. O'Brien, CMC
Newton, MA 02459

To: Neighbors of 150 Countryside Road, Newton Centre

Dear Neighbor of 150 Countryside Road:

I am the attorney helping Zori and Inbal Rabinovitz who purchased 150 Countryside Road. They have been planning to build a new house for themselves. . Zori and Inbal purchased the property in mid-2009. They have been living in Natick while their architect has been developing plans for a new house. I became involved because of an unexpected need to obtain a special permit from the Board of Aldermen. They have asked me to help, and to contact you at this time.

After having had construction plans completed in June, 2011 for their new home, they had their architect distribute them out for costing. The plans were intended to meet the zoning requirements for what is called a by-right house, that is to say one, which does not have to be submitted for a variance or a special permit.

They and their consultants were unaware that a dimensional control, Floor Area Ratio, which controlled the size of the building, was changing on October 15, 2011. On that day, the new law went into effect and "transformed" the same house, which had been by-right and had been considered to have 5,000 gross square feet of floor area into a house requiring a special permit and a house with 7,700 gross square feet! The house design had not changed during this time, but the law had. The big difference between the laws was that the old law did not count as floor area the floor under the roof, but the new law did. Again, the house design had not changed, but the legal definition of countable floor area had!

The Rabinovitzes had found the land and neighborhood perfect for their family. This was a quiet portion of the street with a dead end, conservation area behind them, and the open space of the golf course behind the homes on the other side of Countryside. They also needed to have enough interior space for visits by their close extended family from Israel, and for an elevator because of the disabilities of two elderly parents.

Page Two

The new house would be similar in height and bulk with several houses on the Countryside Road, and in particular houses near and also opposite from #150. I have enclosed a comparison of the proposed house with houses near it on both sides of the street. Zori's and Inbal's new home would not be out of character as to size.

In all other aspects, setbacks, lot coverage, open space and so forth, the proposed house complies or is better than the requirements in the Zoning Ordinances. A lovely and extensive landscaping plan is proposed for the site, and the back of the house is further away from the wetlands in the rear. Most of the houses in the neighborhood are between 100 and 400 feet away from the house at 150 Countryside.

There will be a Conservation Commission meeting on May 24, in Room 209 at City Hall (the hearings start at 6:30 PM. & ours is listed as third); and a public hearing for the special permit as to the Floor Area Ratio on Tuesday, June 12, 2012, at 7:45 in Aldermanic Chamber at City Hall.

Please feel free to contact me with any questions. If you would like to have their architect Eric Daum visit and show you the home in more detail, he would be glad to do so- just let me know. In addition, on this Thursday, May 24, the architect Eric Daum and I will be available for you in room 202 at Newton City Hall between 6:00 PM and 7:00 PM.

Zori and Inbal look forward to moving their family into their new home and become a part of the neighborhood. They and I look forward to your support and to hearing from you.

Very truly yours,

Jason A. Rosenberg

JAR:arj
enclosures

cc Aldermen Mitch Fischman, Cheryl Lappin, and David A. Kalis
Eric Daum, Merrimack Design Associates
Zorin and Inbal Rabinovitz,

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Jason A. Rosenberg

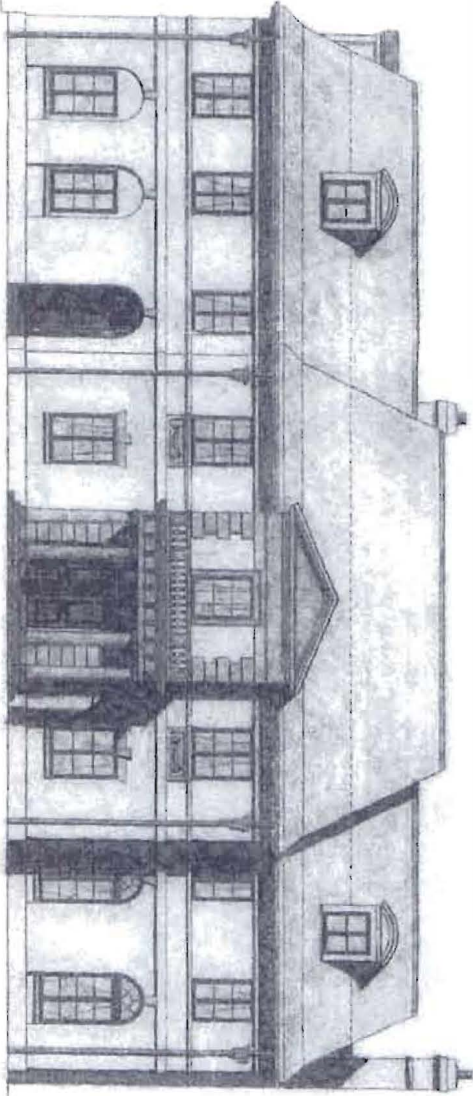
JAR:arj
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Eric Daum, Merrimack Design Associates
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David A. Olson, CMC
Newton, MA 02459



Rabinovitz Residence	
120 Oakdale Road Boston, MA 02130	
Drawing Title	
South Elevation	
1st Floor	2nd Floor
10'0" x 10'0"	10'0" x 10'0"
10/2/11	A2.1
NARRATIVE: RABINOVITZ RESIDENCE, 120 OAKDALE ROAD, BOSTON, MA 02130. DRAWING NO. A2.1. DATE: 10/2/11. DRAWN BY: [illegible]. CHECKED BY: [illegible].	

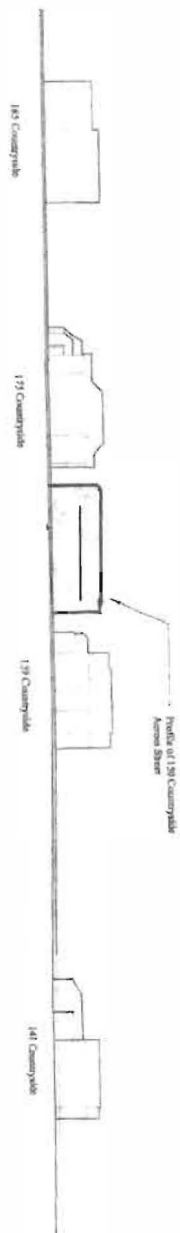
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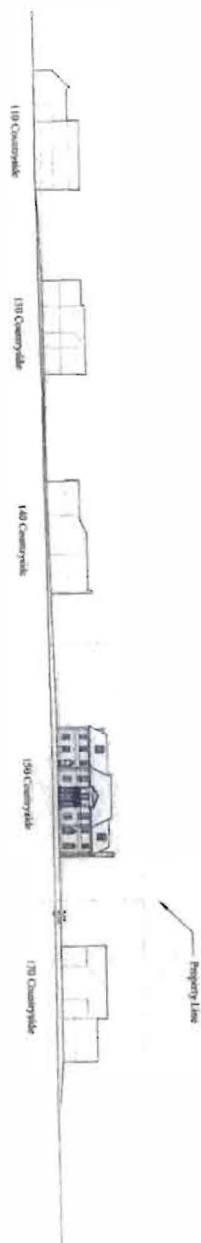
2012 MAY 22 PM 4:21

David A. Olson, CMC
Newton, MA 02459

Countryside Road, Section Looking South



Countryside Road, Section Looking North



<p>Rehbein Residence 141 Countryside Road Newton, MA 02459</p>	
<p>Project No. 100</p>	
<p>SITE SECTIONS</p>	
<p>Scale: 1/8" = 1'-0"</p>	<p>Section: L1.2</p>
<p>Architect: David A. Olson, CMC 141 Countryside Road Newton, MA 02459 Tel: 617-552-1111 Fax: 617-552-1112 Email: d.olson@cmcm.com</p>	

